IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

OP.No. 2004 of 2000(L)

PETITIONER:

KUZHIYAMVILA MILK PRODUCERS' CO-OPERATIVE SOCIETY LIMITED NO.T.95 (D) APCOS, KUZHIYAMVILA, PAYATTUVILA P.O., REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:
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1. **THE DEPUTY DIRECTOR,**
   DAIRY DEVELOPMENT, TRIVANDRUM.

2. **V.GANGADHARAN,**
   CHARUVILA PUTHANVEEDU,
   NELLIMOODU P.O., TRIVANDRUM.

BY ADV. SRI.M.RAJASEKHARAN NAYAR for R2
BY GOVERNMENT PLEADER SRI. MANOJ

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO.2004/2000 L

ORDER ON C.M.P.NO.3204/2000 IN O.P.NO.2004/2000 L

DISMISSED

21/03/2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF AMENDED BYE-LAW AND THE BYE-LAW AMENDMENT REGISTRATION CERTIFICATE DTD. 26/12/1996 OF THE FIRST RESPONDENT.**

EXT.P2: **COPY OF PROCEEDINGS OF THE DEPUTY DIRECTOR, DIARY DEVELOPMENT DTD. 28/10/1996.**

EXT.P3: **COPY OF LETTER FROM THE DIRECTOR DTD. 24/02/1996.**

EXT.P4: **COPY OF LETTER FROM THE DEPUTY DIRECTOR DTD. 24/09/1999.**

EXT.P5: **COPY OF OBJECTION FILED BY THE PETITIONER SOCIETY DTD. 1/10/1999.**

EXT.P6: **COPY OF PROCEEDINGS DTD. 25/11/1999 OF THE DEPUTY DIRECTOR WITH AMENDMENT.**

EXT.P7; **COPY OF SKETCH OF AREA OF OPERATION OF THE SOCIETY.**

2ND RESPONDENT'S EXHIBIT:

EXT.R2(A); **COPY OF THE CIRCULAR NO.19491/D2/97/AD. DTD.26/05/1997 ISSUED BY GOVERNMENT OF KERALA.**

/TRUE COPY/

KSS

KURIAN JOSEPH, J.

O.P.No.2004 of 2000

Dated 21st March, 2007.

J U D G M E N T

Challenge is on Ext.P6. The issue pertains to a dispute on the area of operation. According to the petitioner, the issue is covered by the decision of this Court in **Pallimon Ksheera Ulpadhaka Cooperative Society Ltd. v. Deputy Director, Dairy Development Office** (2002(3) KLT 193). Since the decision is after filing the writ petition, it is only appropriate that the matter is considered by the Joint Registrar with notice to the parties. Accordingly, Ext.P6 is quashed. There will be a direction to the Joint Registrar to consider the matter afresh with notice to the petitioner and any other affected party, and take a decision in the light of the judgment referred to above.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No.2004 of 2000 (L)

J U D G M E N T

Dated 21st March, 2007.